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MAY 12 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MB Docket No. 03-77
Table of Allotments,	)	RM-10660
FM Broadcast Stations.	)	
(Ashland, Coaling, Cordova, Decatur, Dora,	)	
Hackleburg, Hobson City, Holly Pond,	)	
Midfield, Sylacauga, and Tuscaloosa,	)	
Alabama and Atlanta, Georgia)	)	

To: Assistant Chief, Audio Division  
Media Bureau

**COMMENTS**  
**OF COX RADIO, INC. AND CXR HOLDINGS, INC.**

Cox Radio, Inc. and its wholly owned subsidiary, CXR Holdings, Inc., licensee of radio station WBHJ(FM), Channel 239C1, Tuscaloosa, Alabama (collectively "Cox"), by their attorneys and pursuant to Sections 1.415, 1.419 and 1.420 of the Commission's Rules (47 C.F.R. §§ 1.415, 1.419, 1.420), hereby submit these comments regarding the above-captioned *Notice of Proposed Rule Making* ("Notice") released by the Commission on March 21, 2003. The *Notice* seeks comment on Cox's request, as set forth in its *Petition for Rule Making* dated March 18, 2002, as amended on November 27, 2002 ("*Petition*"), that the Commission amend the FM Table of Allotments by (a) downgrading Channel 239C1, Station WBHJ(FM), to Channel 239C2 and moving Station WBHJ from Tuscaloosa, Alabama, to Midfield, Alabama, as Midfield's first local aural transmission service; (b) reallocating Channel 238A, Station WFMH-FM, from Holly Pond, Alabama, to Hackleburg, Alabama, as Hackleburg's first local service; (c) replacing the local service at Holly Pond by reallocating Channel 245C, Station WRSA(FM), from Decatur,

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Alabama, to Holly Pond; (d) reallocating Channel 237A, Station WFFN(FM), from Cordova, Alabama, to Coaling, Alabama, as Coaling's first local service; (e) replacing the local service at Cordova by reallocating Channel 223A, Station WQOP-FM, from Dora, Alabama, to Cordova; (f) reallocating Channel 238A, Station WASZ(FM), from Ashland, Alabama, to Hobson City, Alabama, as its first local FM and first nighttime service; (g) replacing the local service at Ashland by reallocating Channel 252A, Station WTRB-FM, from Sylacauga, Alabama, to Ashland; and (h) reclassifying Channel 253C, Station WSB-FM, Atlanta, Georgia, to Channel 253C0.

Cox hereby reconfirms its commitment to the proposal, as set forth in the *Petition*, which is incorporated herein by reference. As described in the *Petition* and noted in the *Notice*, Cox has obtained consents from the licensees of the affected stations to the proposed facilities modifications and will reimburse the licensees for their reasonable costs in implementing the requested modifications.

Grant of its proposal will result in a preferential arrangement of allotments consistent with *Community of License* and the *Revision of FM Assignment Policies and Procedure* by providing Midfield, Hackleburg and Coaling, Alabama with their first local aural transmission services. As set forth in the *Petition* and noted in the *Notice*, these communities merit first local service preferences under priority (3) of the FM priorities.<sup>1</sup>

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<sup>1</sup> See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, *Report and Order*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) (collectively "*Community of License*"); Revision of FM Assignment Policies and Procedures, *Second Report and Order*, 90 FCC 2d 88 (1982) ("*Revision of FM Assignment Policies*"). These priorities are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. The second and third priorities are given equal weight by the Commission.

In the *Notice* the Commission asks for specific comment concerning the public interest benefit of moving an FM station from Sylacauga to Ashland and then moving a different FM station from Ashland to Hobson City. As discussed in the *Petition*, Cox's proposal will provide Hobson City with its first competitive service and first aural nighttime service, as currently Hobson City's only service is from daytime-only AM Station WHOG. Ashland will continue to be served by one local FM channel, and Sylacauga will continue to have competitive service from two local AM channels. When reviewed in total, this segment of the proposal results in a net gain in service to 58,200 people. Accordingly, Cox reasserts that grant of this aspect of the proposal also will result in a preferential arrangement of allotments.

The Commission has recognized the public interest benefits from providing a community with first competitive service and first nighttime service. For example, the Commission has preferred to allot a station to a smaller community over a larger community when the station provides first competitive service and first nighttime service to the smaller community. *See Royston and Commerce, GA*, 15 FCC Rcd 5776 (2000); *Bay Springs, Ellisville and Sandersville, MS*, 14 FCC Rcd 21339 (1999). Further, while both Sylacauga and Hobson City have more than five reception services and thus are considered well served, the majority of Hobson City is served by only five reception services while the majority of Sylacauga is served by twelve reception services.<sup>2</sup> Accordingly, pursuant to a priority (4) analysis, the Sylacauga – Ashland – Hobson City proposed reallocations should be found to be in the public interest.

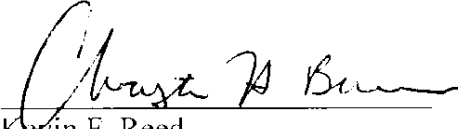
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<sup>2</sup> See Exhibit A (Technical Exhibit by du Treil, Lundin & Rackley, Inc. (“*Technical Exhibit*”)). The *Technical Exhibit* identifies the number of reception services that will be available in both Hobson City and Sylacauga if the Cox proposal is adopted.

THEREFORE, for the reasons herein and previously set forth in the *Petition*, Cox respectfully requests that the Commission promptly adopt the changes proposed in the *Notice*.

Respectfully Submitted,

COX RADIO, INC.  
CXR HOLDINGS, INC.

By:   
Kevin F. Reed  
Christina H. Burrow  
Nam E. Kim

Their Attorneys

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1200 New Hampshire Avenue, N.W., Suite 800  
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Dated: May 12, 2003

## **Exhibit A**

TECHNICAL STATEMENT  
IN SUPPORT OF PETITION FOR RULE MAKING  
MB DOCKET NO. 03-77

Technical Statement

This Technical Exhibit was prepared to support the MB Docket No. 03-77 Petition for Rule Making to amend the FM Table of Allotments contained in Section 73.202(b) of the Commission's Rules. This Statement addresses the number of available full-time "reception services" provided the communities of Sylacauga and Hobson City, Alabama after completion of the proposed "Cox" Rule Making.

Figure 1 is a map showing the communities of Sylacauga and Hobson City and the available full-time aural reception services provided to these communities.<sup>1</sup>

Below is a table identifying the area and population that would be encompassed by the full-time reception services if Channel 238A is moved from Ashland:

Number of Services Remaining in Sylacauga		
Number of Services	Percent of Area	Percent of Population
6	100%	100%
7	99.9%	99.9%
8	99.5%	99.7%
9,10	99.0%	99.3%
11	67.0%	95.5%
12	27.3%	44.9%
13	19.9%	23.9

<sup>1</sup> The full-time aural services are herein defined as those licensed full-time stations which encompass the respective community with their protected contour, calculated using their actual facilities and antenna height above average terrains. For the proposed Hobson City allotment, an assumed maximum facility was employed.

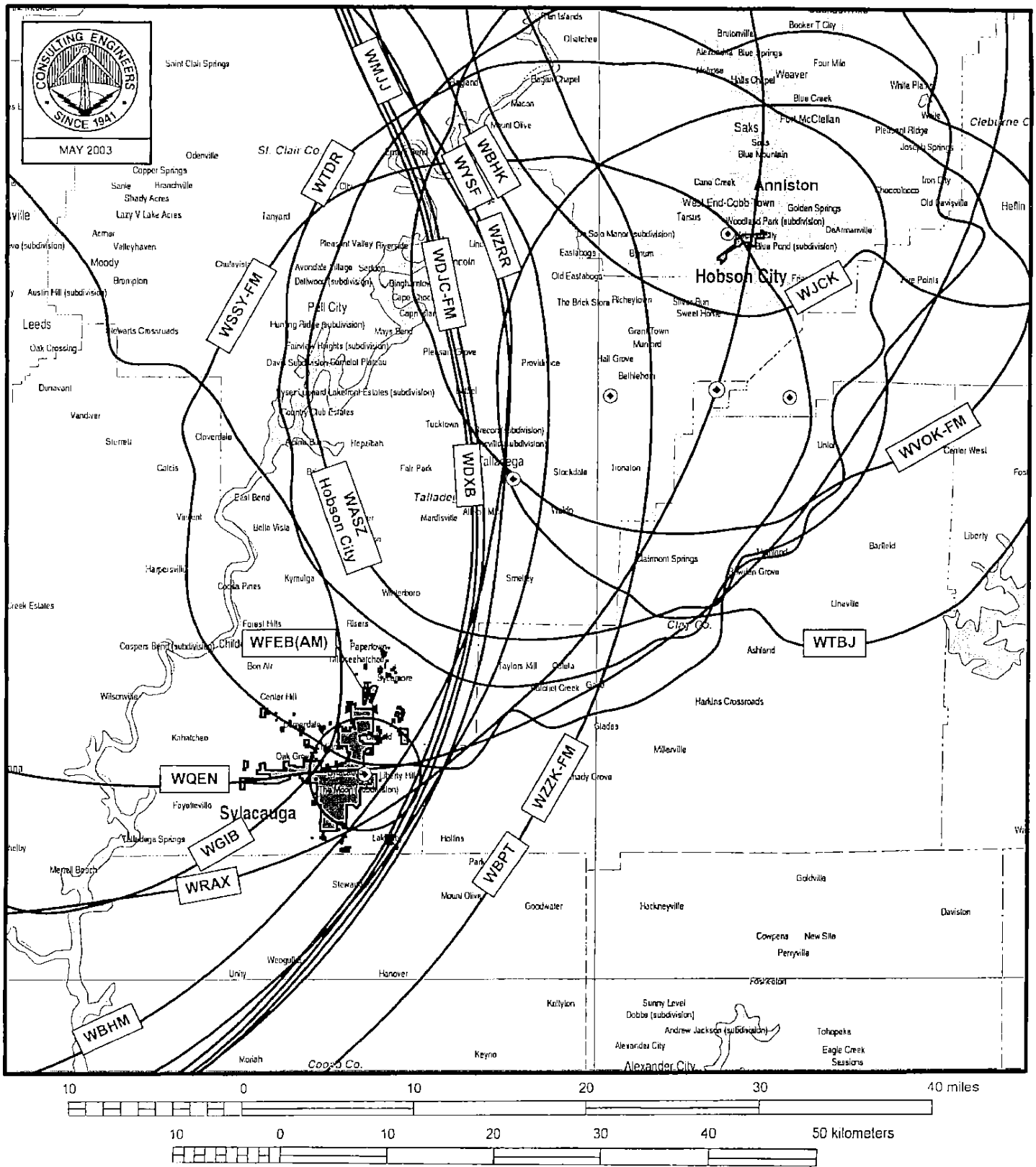
Number of Services Remaining in Hobson City		
Number of Services	Percent of Area	Percent of Population
6	100%	100%
7	67.5%	43.3%
8	36.9%	10.1%

Charles A. Cooper

May 12, 2003

du Treil, Lundin & Rackley, Inc.  
201 Fletcher Avenue  
Sarasota, Florida 34237  
941.329.6000

Figure 1



## RECEPTION SERVICES TO SYLACAUGA AND HOBSON CITY ALABAMA

du Treil, Lundin & Rackley, Inc Sarasota, Florida



## CERTIFICATE OF SERVICE

I, Constance A. Randolph, a secretary at Dow, Lohnes & Albertson, PLLC, hereby certify that a true and correct copy of the foregoing "Comments of Cox Radio, Inc. and CXR Holdings, Inc." was sent on this 12th day of May, 2003, via first-class United States mail, postage pre-paid, to the following:

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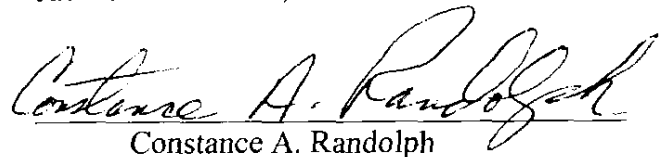
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\* Denotes hand delivery.